

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 29, 2016

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chamber at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:43 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code 54956.9 subsection (c) pertaining to anticipated litigation of significant exposure in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Kotto; Amount of Money or Other Relief Sought: Administrative Appeal. (2) Alemayehu v. City of San José, et al. Names of Parties Involved: Dawit Alemayehu, The City of San José, The City of San José Police Department, a municipal corporation, Officer Jorge Garibay #4218, a sworn San José Police Officer and as an individual, Sergeant D. Tran Badge #3269, a San José Police Officer and as an individual and Does 1 through 40; Court: U.S. District Court, Northern District; Case No: C14-1738 EJD; Amount of Money or Other Relief Sought: Damages According to Proof. (3), Binkovich v. Barthelmy; Names of Parties Involved: Aleksandr Binkovich, Bruce Barthelmy, Officer, Badge #4066; Court: Ninth Circuit Court of Appeals. Case No: 14-16768, 14-16888 Cross Appeals; Amount of Money or Other Relief Sought: Damages According to Proof. (4) Vietnamese-American Community of Northern California, City of San José, City Council of San José; Court: Superior Court of California,

CLOSED SESSION (Cont'd.)

County of Santa Clara; Case No: 1-09-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof. (5) Kelly Giguere v. City of San José, et al. Names of Parties Involved: Kelly Giguere, City of San José, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-15-CV-283594; Amount of Money or Other Relief Sought: Damages According to Proof. (6) City of San José v. City of Santa Clara. Names of Parties Involved: City of San José, City of Santa Clara. Court: Superior Court of California, County of Santa Clara; Case No: 16-CV-298317. Amount of Money or Other Relief Sought: Damages According to Proof. (7) Federated City Employees v. City of San José, City Manager Norberto Dueñas in his Official Capacity as the City Manager of the City of San José and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 16CV302829; Amount of Money or Other Relief Sought: Writ of Mandate. (8) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (9) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (10) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (11) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (12) ABMEI v. City, et al. Names of Parties Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No: UPC SF 1358 M; Amount of Money or Other Relief Sought: Damages according to proof. (13) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (14) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (15) Harris, et al. v. City of

CLOSED SESSION (Cont'd.)

San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (16) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (17) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (18) People of the State of California, et al. v. City of San José, et al. Names of Parties Involved: The People of the State of California ex rel, San José Police Officers' Association, City of San José, City Council of San José; Court: Superior Court of the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto. (19) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court. Names of Parties Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, A California Non-Profit Corporation, Proposed Intervenor, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, The People of the State of California ex rel, San José Police Officers' Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or in the alternative, supersedes or other appropriate relief. (20) San José Retired Employees Association, et al V. City of San José, et al. Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (C) to confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Pueblo De Dios Site, APN 299-03-117; Negotiation Parties: Matt Cano for the City of San José and Martin L. Chiechi for Prince of Peace Evangelical Church of Saratoga; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri;

CLOSED SESSION (Cont'd.)

Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Contract or Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; (10) San José Police Officers' Association. (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:35 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chamber.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

INVOCATION

Chip Ingram, author, speaker and Senior Pastor of Venture Christian Church offered the Invocation. (District 10)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo, accompanied by Third Grade Students from Easterbrook Discovery School, led the Pledge of Allegiance.

ORDERS OF THE DAY

Heard after the Ceremonial Items.

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 3.3 dropped. *Note: Following the conclusion of Item 6.3, Item 3.3 was reconsidered and approved unanimously by the Council. (11-0.)*

CEREMONIAL ITEMS

1.1 Presentation of a commendation to members of Involved Evergreen for their dedication to supporting the vitality of the community and local businesses in District 8. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended members of Involved Evergreen for their dedication.

1.2 Presentation of a commendation to Van Le for her many years of service as a community leader, business owner, youth advocate and school board member. (Kalra)

Mayor Sam Liccardo and Council Member Ash Kalra recognized Van Le for her many years of community service.

1.3 Presentation of a proclamation recognizing December 1, 2016 as World AIDS Day in the City of San José. (Perez)

Mayor Sam Liccardo and Council Member Raul Perez recognized December 1, 2016 as “World AIDS Day” in San José.

1.4 Special presentation to the “Partners in Reading Literacy Program”. (Mayor)

Mayor Sam Liccardo offered a special presentation to the “Partners in Reading Literacy Program” on behalf of Council Member Ash Kalra who was recently elected to the State Assembly. Library Director Jill Bourne accepted the books for the “Partners in Reading Literacy Program.”

CONSENT CALENDAR

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Pierluigi Oliverio and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 Approval of City Council Minutes.

(a) **Regular Minutes of October 25, 2016.**

(b) **Study Session Minutes of October 28, 2016.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: (1) The Regular Minutes dated October 25, 2016. (2) The Study Session Minutes dated October 28, 2016.

Action: The City Council Minutes were approved. (11-0.)

2.2 Final adoption of ordinances.

(a) **ORD. NO. 29819 – An ordinance of the City of San José approving a First Amendment to development agreement with Jackson-Taylor Partners, LLC, relative to the development of the Japantown Corporation Yard Redevelopment Project on certain real property located at 696 North Sixth Street and authorizing the City Clerk to execute the First Amendment to development agreement and cause the same to be recorded with the Santa Clara County Recorder's Office. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report and addendum thereto, File No. DA16-001. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29819 executed on November 11, 2016, submitted by the City Clerk.

Action: Ordinance No. 29819 was adopted. (11-0.)

- 2.2 (b) **ORD. NO. 29821** – An ordinance of the City of San José amending Title 20 of the San José Municipal Code to amend various sections of Chapter 20.30 all to add Mixed Residential-Commercial use as a conditional use, to allow secondary dwellings in the R-2 Two Family Residence District, to modify development standards for residential uses including reducing minimum required setbacks, to delete maximum number of stories in the R-M Multiple Residence Zoning District while maintaining maximum allowable height, to change exceedance of decibel levels indicated in Table 20-85 from a Conditional Use to a Special Use, to amend Sections 20.30.150 and 20.200.325 in compliance with newly adopted State law regarding secondary units; to amend Section 20.90.220 of Chapter 20.90 to allow reductions in parking spaces for residential uses in compliance with newly adopted State law; to re-number various sections within Chapter 20.200 so that the sections are listed in alphabetical order; and to make other technical, non-substantive, or formatting changes within those sections of Title 20. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). File No. PP16-115. (Planning, Building and Code Enforcement)

Documents Filed: (1) Proof of Publication of the Title of Ordinance No. 29821 executed on November 18, 2016, submitted by the City Clerk. (2) Letter from Airport Land Use Commission, dated November 28, 2016, concurring with the Staff recommendations.

Action: Ordinance No. 29821 was adopted. (11-0.)

- (c) **ORD. NO. 29822** – An ordinance of the City of San José amending Sections 4.46.039.11 of Chapter 4.46 and 4.47.089.6 of Chapter 4.47 of Title 4 of the San José Municipal Code to suspend the collection of the Building and Structure Construction Tax and the Commercial Residential Mobilehome Park Building Tax on one downtown commercial high rise project. CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Rates, Tolls, Fares, and Charges. (Economic Development)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29822 executed on November 18, 2016, submitted by the City Clerk.

Action: Ordinance No. 29822 was adopted. (11-0.)

- 2.2 (d) **ORD. NO. 29827** – An ordinance of the City of San José rezoning certain real properties of approximately 1.45 acres situated at the east side of North 5th Street between Jackson Street and East Empire Street from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District and on the west side of North 6th Street between Jackson Street and East Empire Street from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29827 executed on November 18, 2016, submitted by the City Clerk.

Action: Ordinance No. 29827 was adopted. (11-0.)

- (e) **ORD. NO. 29828** – An ordinance of the City of San José rezoning certain real property of approximately 1.33 acres, situated on the southeast corner of Almaden Road and Burnside Drive (18590 Almaden Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District. CEQA: Bertelsen Property General Plan Amendment and Rezoning Project Negative Declaration (File Nos. GP16-002 and C16-007). (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29828 executed on November 18, 2016, submitted by the City Clerk.

Action: Ordinance No. 29828 was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of November 2, 2016. (Mayor)
- (b) Transportation and Environment Committee Minutes of November 7, 2016. (Kalra)
- (c) Rules and Open Government Committee Minutes of November 9, 2016. (Mayor)
- (d) Neighborhood Services and Education Committee Minutes of November 10, 2016. (Rocha)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: (1) The Rules and Open Government Committee Minutes dated November 2, 2016 and November 9, 2016. (2) The Transportation and Environment Committee Minutes dated November 7, 2016. (3) The Neighborhood Services and Education Committee Minutes dated November 10, 2016.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

There was no report.

2.5 City Council Travel Reports.

There was no report.

2.6 Report from the Council Liaison to the Retirement Boards.

There was no Report.

- 2.7 (b) Adopt a resolution accepting the 2016 Justice Assistance Grant in the amount of \$284,921 and authorizing the City Manager to execute any documents required to effectuate the grant.**
- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:**
- (1) Increase the estimate for Revenue from the Federal Government by \$223,351.**
 - (2) Establish an appropriation to the Police Department for the 2016 Justice Assistance Grant in the amount of \$223,351.**

CEQA: Not a Project, File No. PP10-067(c), Non-Project Specific Funding Mechanism, Grant Distribution that would not result in a physical change to the environment. (Police/City Manager)
(Deferred from 11/8/16 – Item 2.7)

Action: Deferred to December 13, 2016 per Administration.

- 2.8 Approve the First Amendment to the Agreement with the Faith Group for Airport Information Technology consultant services to delete the fiscal year maximum compensation limits, with no change in maximum compensation of \$1,189,000 for the term of the agreement. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Airport)**

Action: Deferred to December 06, 2016 per Administration.

- 2.9 Appoint Nicholas Muyo to the Police Department Retiree Member seat of the Board of Administration for Police and Fire Department Retirement Plan for the term December 1, 2016 to November 30, 2020. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 18, 2016, recommending the appointment.

Action: Nicholas Muyo was appointed to the Police Department Retiree Member seat of the Board of Administration for Police and Fire Department Retirement Plan for the term December 1, 2016 to November 30, 2020. (11-0.)

- 2.10 (a) Pursuant to Policy 0-1, Council Policy Manual, waive the provision of Council Policy 7-5, Naming of City-Owned Land and Facilities, requiring the individual to have been deceased for at least five years.**
- (b) If Council approves (a), as recommended by the Department of Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, name the new loop trail located along Coyote Road at Shady Oaks Park in San José, the Odette Morrow Trail.**

CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)

Documents Filed: (1) Memorandum from Council Member Ash Kalra, dated November 28, 2016, recommending waiving the provision of Council Policy 0-1, requiring the individual to have been deceased for at least five years and approve the recommendation of the Department of Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated November 17, 2016, recommending approval of the recommendation of the Department of Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission.

Council Member Ash Kalra presented background information about Odette Morrow.

Motion: Council Member Ash Kalra moved approval of his memorandum dated November 28, 2016, waiving the provision of Council Policy 0-1 and naming the new loop trail located along Coyote Road at Shady Oaks Park in San José as the Odette Morrow Trail. Vice Mayor Rose Herrera seconded the motion.

Brief discussion ensued.

Action: On a call for the question, the motion carried unanimously, the new loop trail located along Coyote Road at Shady Oaks Park in San José was named the “Odette Morrow Trail.” (11-0.)

2.11 Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with JS Cole Company (Novato, CA) for earthmoving and construction equipment rental services for the term December 1, 2016 through November 30, 2017, in an amount not-to-exceed \$290,000.**
- (b) Exercise up to four, one-year options to extend the term of the Purchase Order through November 30, 2021, for an aggregate maximum compensation of \$1,200,000, subject to the annual appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia Cooper, dated November 17, 2016, recommending adoption of a resolution.

2.11 (Cont'd.)

Action: Resolution No. 77983, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchases Order with JS Cole Company for Earthmoving and Construction Equipment Rental Services for the Term December 1, 2016 through November 30, 2017 In An Amount Not To Exceed \$290,000 and Exercise Up To Four, One-Year Options to Extend the Term of the Purchase Order Through November 30, 2021, For An Aggregate Maximum Compensation of \$1,200,000, Subject to the Annual Appropriation of Funds", was adopted. (11-0.)

2.12 Adopt a resolution to:

(a) **Amend the City of San José Pay Plan effective November 29, 2016, to create the Crime and Intelligence Data Administrator (1198) classification with a salary range of \$77,313.60- \$94,203.20 annually.**

(b) **Amend the City of San José Pay Plan effective November 29, 2016, to delete the Principal Water Systems Technician (3635) classification.**

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated November 7, 2016, recommending adoption of a resolution.

Action: Resolution No. 77984, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (11-0.)

2.13 Approve travel for Walter Katz, Independent Police Auditor, to Washington, D.C. from December 6 – 8, 2016 to participate in the CATO Institute's State of American Criminal Justice conference as part of a Panel entitled "The Intersection of Technology, Oversight and Legitimacy in 21st Century Policing". Source of Funds: The CATO Institute. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Independent Police Auditor)

Documents Filed: Memorandum from Independent Police Auditor Walter W. Katz, dated November 9, 2016, requesting approval of travel.

Action: The travel request was approved. (11-0.)

2.14 Adopt a resolution of intention to vacate a sidewalk easement at 1561 and 1564 Rosecrest Terrace near Dana Avenue, and set a Public Hearing on January 10, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP16-126. Council District 6. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated November 7, 2016, recommending adoption of a resolution.

Mayor Sam Liccardo opened the floor for public testimony.

2.14 (Cont'd.)

Public Comments: Expressing comments in support to the vacation of the sidewalk easement were David Haugaard, Michele Free, Andrew Poupart, Armando Lopez, Colin Lee, John Gilbert, Chuck Barnes, Wendy Treves and William Moore.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Council Member Donald Rocha and carried unanimously, Resolution No. 77985, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Vacate a Sidewalk Easement at 1561 and 1564 Rosecrest Terrace Near Dana Avenue", was adopted. (11-0.)

- 2.15 (a) Approve a retroactive increase of \$70,509 to the original construction contingency amount of \$46,782 for a revised total contingency in the amount of \$117,291 for the Fire Station 16 Renovation Project.**
- (b) Approve retroactively Change Orders 3, 4, 5 and 6 with Southland Construction Inc. in the total amount of \$78,451, which will result in a total contract amount of \$429,174 for the Fire Station 16 Renovation Project.**
- CEQA: Exempt, File No. PP13-096. Council District 7. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated November 7, 2016, recommending approval of the increase and related and retroactive approval of the change orders.

Action: A retroactive increase of \$70,509 to the original construction contingency amount of \$46,782 for a revised total contingency in the amount of \$117,291 for the Fire Station 16 Renovation Project was approved and Change Orders 3, 4, 5 and 6 with Southland Construction Inc. in the total amount of \$78,451, which will result in a total contract amount of \$429,174 for the Fire Station 16 Renovation Project were retroactively approved. (11-0.)

2.16 Adopt a resolution to:

- (a) Authorize the City Manager, or designee, to negotiate and execute a new parking Agreement with ML San Jose Holding, LLC (Hotel De Anza) for the exclusive use of 41 parking spaces at the City owned Market Street Garage for twenty-five years.**
- (b) Authorize the City Manager, or designee, to approve amendments to the parking Agreement, related to the increase or decrease of allocated parking spaces up to seventy-five spaces.**

CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space. Council District 3. (Transportation)

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated November 7, 2016, recommending adoption of a resolution.

2.16 (Cont'd.)

Action: Resolution No. 77986, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a New Parking Agreement with ML San José Holding, LLC (Hotel De Anza) for the Exclusive Use of Forty-One Parking Spaces at the City Owned Market Street Garage for Twenty Five Years and Approve Amendments to the Parking Agreement, Related to the Increase or Decrease of Allocated Parking Spaces Up to Seventy Five Spaces", was adopted. (11-0.)

2.17 As recommended by the Rules and Open Government Committee meeting on November 16, 2016:

- (a) **Approve the Fourth Annual July 4th Family Fun Festival and Fireworks Show scheduled on Tuesday, July 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Exempt, File No. PP15-094, CEQA Guidelines Section 15304(e), Minor Alterations to Land. (Khamis)

[Rules Committee referral 11/16/16 – Item G.1.a.]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 17, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Fourth Annual July 4th Family Fun Festival and Fireworks Show scheduled on Tuesday, July 4, 2017 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.18 As recommended by the Rules and Open Government Committee meeting on November 16, 2016:

- (a) **Approve Vice Mayor Herrera's End of Term Reception scheduled on Friday, December 2, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Herrera)

[Rules Committee referral 11/16/16 – Item G.1.b.]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 17, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Vice Mayor Herrera's End of Term Reception scheduled on Friday, December 2, 2016 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas announced that the NCAA Women's Soccer College Cup Semi-Finals will be held at Avaya Stadium, Friday, December 2, 2016, at 2:00 p.m.

3.3 Appoint Sergio Jimenez as the interim representative for the anticipated vacancy in Council District 2 to serve from the date of vacancy of the Council District 2 seat until the remaining term of office expires on December 31, 2016. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor/City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 18, 2016, recommending the appointment of Sergio Jimenez.

Upon motion by Council Member Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, the Council reconsidered the appointment that was previously dropped under Orders of the Day. (11-0.)

Action: Upon motion by Council Member Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, the appointment of Sergio Jimenez as the interim representative for the anticipated vacancy in Council District 2 to serve from the date of vacancy of the Council District 2 seat until the remaining term of office expires on December 31, 2016 was approved. (11-0.)

3.4 (a) Board of Administration for the Federated City Employees' Retirement System:

- (1) Interview applicants for appointment to the Public Member seat.
- (2) Appoint one (1) applicant to the Public Member seat for the term December 1, 2016 to November 30, 2020.

(b) Board of Administration for Police and Fire Department Retirement Plan:

- (1) Interview applicants for appointment to the Public Member seat.
- (2) Appoint one (1) applicant to the Public Member seat for the term December 1, 2016 to November 30, 2020.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated November 8, 2016, providing background material on the applicants. (2) Vote tally from the Mayor and Council Members dated November 29, 2016.

The Council interviewed four applicants.

3.4 (Cont'd.)

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried, Parbhu Palani was appointed to the Public Member seat of the Board of Administration for the Federated City Employees' Retirement System for the term December 1, 2016 to November 30, 2020. The recruitment was waived for the new vacant seat and the second appointment to the Federated City Employees' Retirement System for Anurag Chandra was agendaized on the Consent Calendar of December 6, 2016. (9-2. Noes: Khamis, Oliverio.)

Vincent Sunzeri was appointed to the Public Member seat of the Board of Administration for Police and Fire Department Retirement Plan for the term December 1, 2016 to November 30, 2020. (11-0.)

3.5 **Approve an ordinance amending Sections 4.100.030 and 4.100.040 and adding Section 4.100.045 to Chapter 4.100 of Title 4 of the San José Municipal Code relating to Minimum Wage. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Economic Development)**

Documents Filed: Replacement City Council Action Request from Deputy City Manager/Director of Economic Development Kim Walesh, dated November 7, 2016, recommending approval of an ordinance and correcting typographical errors.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Ellie Motsumora, Megan, Jessica and Ron Casselli offered comments.

Motion: Councilmember Raul Peralez moved to include language to include disadvantaged youth. Councilmember Magdalena Carrasco seconded the motion.

Staff recommended wording to more clearly reflect Council's intent.

Amended motion: Councilmember Raul Peralez Staff was directed to incorporate into the ordinance: "serving disadvantaged youth". Councilmember Magdalena Carrasco accepted the amended motion.

Substitute Motion: Khamis offered a substitute motion, to include tip employees as an exemption. Councilmember Pierluigi Oliverio seconded the motion.

On a call for the question, the substitute motion failed. (3-8. Noes: Carrasco, Herrera, Jones, Kalra, T. Nguyen, Peralez, Rocha; Liccardo.)

Action: On a call for the question, the original motion passed, and Ordinance No. 29829, entitled: "A Ordinance of the Council of the City of San José Amending Sections 4.100.030 And 4.100.040 and Adding Section 4.100.045 to Chapter 4.100 of Title 4 of the San José Municipal Code Relating to Minimum Wage", passed for publication. Staff was directed to incorporate into the ordinance: "serving disadvantaged youth" (11-0.)

- 3.6 **Adopt a resolution authorizing the City Manager to:**
- (a) **Execute the Fifth Amendment to the Agreement with Air-Transport IT Services, Inc. (Orlando, FL) for on-site software and hardware support and related services for the Integrated System at the Norman Y. Mineta San José International Airport (Airport) to extend the term for an additional twelve months ending on December 31, 2017, and increase compensation by \$1,957,669 for the twelve month term.**
 - (b) **Execute up to two one-year options to extend the term of the Agreement through December 31, 2019, at an annual cost estimated at \$2,005,900 and \$2,055,576, respectively, subject to the annual appropriation of funds.**
 - (c) **Negotiate and execute amendments and/or change orders to the Agreement to make modifications to the scope of services and compensation schedule as required, subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Documents Filed: Memorandum from Director of Finance, Julia Cooper, dated November 7, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 77987, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to 1) Execute the Fifth Amendment to the Agreement With Air-Transport It Services, Inc. at the Norman Y. Mineta San José International Airport to Extend the Term For an Additional Twelve Months Ending on December 31, 2017, and Increase Compensation by \$1,957,669 for the Twelve Month Term; 2) Execute Up to Two One-Year Options to Extend the Term of the Agreement Through December 31, 2019, Subject to the Annual Appropriation of Funds; And 3) Negotiate and Execute Amendments and/or Change Orders to the Agreement to Make Modifications to the Scope of Services and Compensation Schedule as Required, Subject to the Appropriation of Funds", was adopted. (11-0.)

- 3.7 **Accept the continuation of a hybrid service delivery model for the administration of the City's Workers' Compensation Program that uses a combination of in-house staff and a Third Party Administrator through June 2018. CEQA: Not a Project, PP10-069, City Administrative Activities. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources Joe Angelo, dated November 18, 2016, recommending approval of continuation of a hybrid service delivery model.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the continuation of a hybrid service delivery model for the administration of the City's Workers' Compensation Program that uses a combination of in-house staff and a Third Party Administrator through June 2018, was accepted. (11-0.)

- 3.8 Adopt a resolution authorizing the City Manager to:**
- (a) Consider the appeal by JT2 Integrated Resources (“JT2”) regarding the report on Request for Proposals for Workers Compensation Comprehensive Services and adopt a resolution setting forth the decision of the City Council.**
 - (b) Negotiate and execute an Agreement with Intercare (Rocklin, CA) to administer Workers Compensation claims processing including bill review, utilization review, medical case management and the use of a Medical Provider Network, with an initial term beginning November 29, 2016 through June 30, 2018, with an option to extend annually through June 30, 2021, for a not to exceed total compensation amount of \$16,264,409 based on an estimated caseload of 1501-1700 claims, and subject to annual appropriation of funds.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources Joe Angelo, dated November 18, 2016, recommending adoption of a resolution.

Director of Human Resources Joseph Angelo provided a report.

John Cassas, representing JT2 Integrated Resources, presented an appeal to the Council.

Public Comments: Linda Guzman urged the Council to reflect carefully on their employees. Extend the project, take another look at what occurred here.

Extensive Council discussion followed, and Director of Human Resources Joseph Angelo responded to questions.

Action: The appeal by JT2 was denied. Resolution No. 77988 was adopted, as amended, limiting the initial term to November 29, 2016 through June 30, 2018, with no options. Staff was directed to return to Council to approve an option to extend the agreement. Staff was further directed to return to Council with a standard set of measurement for outcomes on criteria for a cost per closed case and the legal settlement comparisons of the TPA legal process versus the City legal process. (11-0.)

- 3.9 Adopt a resolution authorizing the City Manager to:**
- (a) Negotiate and execute an Agreement with DAVID Corporation (Wakefield, MA) to upgrade the Renaissance Workers’ Compensation System to the latest version (Navrisk Vision), including software, hosting, third party software, maintenance, and related professional services for an initial term commencing on or about December 1, 2016, and ending on or about June 30, 2022, for a not-to-exceed amount of \$728,900, subject to the appropriation of funds.**
 - (b) Execute change orders to cover any unanticipated changes in requirements or for future enhancements for a not-to-exceed amount of \$145,780, subject to the appropriation of funds.**
 - (c) Execute up to five additional one-year options to extend the term of the Agreement after the initial term through June 30, 2027, to provide ongoing maintenance and hosting services, subject to the appropriation of funds.**

3.9 (Cont'd.)

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance/Human Resources)

Documents Filed: Joint memorandum from Director of Finance, Julia Cooper and Director of Human Resources Joe Angelo, dated November 7, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen, and carried unanimously, Resolution No. 77989, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to 1) Negotiate and Execute an Agreement with David Corporation for an Initial Term Commencing on or about December 1, 2016 and Ending on or about June 30, 2022, for a Not-To-Exceed Amount of \$728,900; 2) Execute Change Orders to Cover any Unanticipated Changes in Requirements or for Future Enhancements, for a Not-To-Exceed Amount Of \$145,780; and 3) Execute up to Five Additional One-Year Options to Extend the Term of the Agreement through June 30, 2017, Subject to the Appropriation of Funds", was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Adopt a resolution:

- (a) **Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as "City of San José Multifamily Housing Revenue Note (Don de Dios Apartments), Series 2016A (the "Series 2016A Note") in a principal amount not to exceed \$20,000,000.**
- (b) **Approving a loan of Series 2016A Note proceeds to Don de Dios L.P., a California limited partnership created by EAH, Inc., a California nonprofit public benefit corporation, to finance the acquisition and rehabilitation of the Don de Dios Apartments located at 987 Fair Avenue, in San José (the "Property").**
- (c) **Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2016A Documents").**
- (d) **Authorizing and directing the City Manager, Director of Finance and Director of Housing, or their designees, to execute and, deliver the Series 2016A Documents and related Series 2016A Documents as necessary.**
- (e) **Authorizing the Director of Housing to negotiate and execute amendments to existing City loan documents relating to the Don de Dios Apartments consistent with the terms described below.**

**CEQA: Exempt, File No. PP16-120, Section 15301(d), Existing Facilities. Council District 7. (Housing/Finance)
(Deferred from 11/15/16 – Item 4.2)**

Action: Deferred to December 6, 2016 per Administration.

- 4.2 Conduct a Public Hearing on and adopt a resolution approving the Historical Property Contract (California Mills Act) for an existing commercial City Landmark building (El Paseo Court) located in the DC Downtown Primary Commercial Zoning District, on a 0.20-gross acre site at 40-44 South First Street (Ramsey Nijmeh, Owner). CEQA: Exempt under CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Historic Landmarks Commission recommends approval (4-0-3) (Marcotte, Jones, and Schultz absent). (Planning, Building and Code Enforcement)**
MA16-001 – Council District 3

Documents Filed: (1) The Report of the Historic Landmarks Commission on Project File No. MA16-001, dated October 25, 2016. (2) Memorandum from Historic Landmarks Commission Secretary Harry Freitas, dated November 10, 2016, transmitting the Historic Landmarks Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on October 14, 2016, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas offered an introduction, and Deputy Director of Planning, Building and Code Enforcement Steve McHarris provided a presentation.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77990, entitled: “A Resolution of the Council of the City of San José Approving a Historical Property Contract with Ramsey Nijmeh for the El Paseo Court (City Landmark No. H192-81) Located at 40-44 South First Street (APN: 467-22-005)”, was adopted. (11-0.)

- 4.3 Conduct a Public Hearing and adopt a resolution:**
- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a portion of Meridian Avenue, south of Fruitdale Avenue with the reservation of a public service easement (“PSE”) over the entire area being vacated.**
 - (b) Conditionally vacating the approximately 2,406 square feet portion of Meridian Avenue which is unnecessary for present or prospective public use with the reservation of the PSE.**
 - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.**
- CEQA: Exempt, File No. CP15-072. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Barry Ng, dated November 7, 2016, recommending conducting a public hearing and adoption of a resolution.

4.3 (Cont'd.)

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen, and carried unanimously, Resolution No. 77991, entitled: "A Resolution of the Council of the City of San José Conditionally Vacating a Portion of Meridian Avenue, South of Fruitdale Avenue, and Reserving a Public Service Easement Over the Vacated Area", was adopted. (11-0.)

4.4 Adopt a resolution:

- (a) **Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a portion of the Seismic Setback Easement (SSE) on 5667 Silver Creek Valley Road owned by Canyon Creek Plaza, a California limited partnership.**
- (b) **Summarily vacating a portion of the Seismic Setback Easement dedicated on Tract Map No. 8841 filed on January 30, 1997 in Book 685 of Official Records, at Page 38-44.**
- (c) **Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.**

CEQA: Mitigated Negative Declaration, File No. PDC15-022. Council District 8. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Barry Ng, dated November 7, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen, and carried unanimously, Resolution No. 77992, entitled: "A Resolution of the Council of the City of San José Summarily Vacating a Portion of a Seismic Setback Easement at 5667 Silver Creek Valley Road", was adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **Report on bids and award of a construction contract to the low bidder Rodan Builders, Inc. in the amount of \$1,295,498 for the Mineta San José International Airport – Terminal B Exit Lane Technology Re-Bid II project, and approval of a 15 percent contingency in the amount of \$194,325.**
- (b) **Adopt a resolution authorizing the Director of Public Works to issue any single and/or multiple change orders up to the amount of the contingency.**
- (c) **Adopt the following 2016-2017 Appropriations Ordinance amendments in the Airport Revenue Bond Improvement Fund:**
 - (1) **Increase the Security Exit Doors appropriation in the amount of \$1,600,000.**
 - (2) **Decrease the Terminal A Ground Transportation Island Modification appropriation by \$600,000.**
 - (3) **Decrease the Unrestricted Ending Fund Balance by \$1,000,000.**

6.1 (Cont'd.)

(d) Adopt the following 2016-2017 Appropriations Ordinance and Funding Sources Resolution amendments in the Airport Capital Improvement Fund:

- (1) Eliminate the Security Exit Doors appropriation in the amount of \$1,612,000.**
- (2) Decrease the estimate for Revenue from Federal Government by \$1,612,000.**

**CEQA: Determination of Consistency with the San José International Airport Master Plan Update Final EIR as Supplemented (Resolution Nos. 67380 and 71451), File No. PP16-047. (Public Works/Airport/City Manager)
(Deferred from 11/15/16 – Item 6.2)**

Documents Filed: (1) Joint memorandum from Director of Public Works, Barry Ng and Director of Aviation, Kimberly Becker, dated October 24, 2016, recommending actions related to the Rebid II Project. (2) Letter from Dawn Marie Giammona, Chief Operating Officer, Integra Construction Services, dated November 3, 2016.

Public Comments: Dawn Marie Giammona, Chief Operating Officer, representing Integra Construction Services, provided a supplemental memo and protested the potential award to Rodan Builders. Blair Beekman offered comments.

Director of Public Works Barry Ng provided a brief presentation regarding the protest.

Action: Upon motion by Councilmember Pierluigi Oliverio, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 77993, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute Any Single and/or Multiple Change Orders for the 8255 – Mineta San Jose International Airport – Terminal B Exit Lane Technology – Rebid II Project Up to the Contingency Amount of \$194,325”; Ordinance No. 29830, Entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys In the Airport Revenue Bond Improvement Fund for the Security Exit Doors; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29831, Entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys In the Airport Capital Improvement Fund to Eliminate the Security Exit Doors Appropriation; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 77994, Entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77796 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2016-2017 to Adjust Revenues In the Airport Capital Improvement Fund”, were adopted. (11-0.)

- 6.2 (a) Report on bids and award of contract for the 7652 – St. John Street Multimodal Improvements Project to the lowest responsive bidder Redgwick Construction Co, in the amount of \$1,599,070.**
- (b) Approve a ten percent contingency in the amount of \$159,907.**
- (c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:**
- (1) Increase the St. John Street Multimodal Improvements Phase I appropriation by \$70,000.**
- (2) Decrease the Unrestricted Ending Fund Balance by \$70,000.**
- CEQA: Exempt, File No. PP11-095. Council District 3. (Public Works/Transportation/City Manager)**

Documents Filed: Joint memorandum from Director of Public Works, Barry Ng and Director, Department of Transportation, Jim Ortbal, dated November 7, 2016, recommending award of a construction contract.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Ordinance No. 29832, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the Building and Structure Construction Tax Fund for the St. John Street Multimodal Improvements Phase I; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

- 6.3 Report on bids and award of contract for the 7653 – St. John Street Bikeway and Pedestrian Improvements Project to the low bidder, Granite Rock Company, for the base bid and the Add Alternate item, in the total amount of \$1,565,564, and approve a contingency in the amount of \$156,556. CEQA: Exempt, File No. PP14-013. Council District 3. (Public Works/Transportation)**

Documents Filed: Joint memorandum from Director of Public Works, Barry Ng and Director, Department of Transportation, Jim Ortbal, dated November 7, 2016, providing a report on bids and award of a construction contract.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Donald Rocha and carried unanimously, the Report on bids and award of contract for the 7653 – St. John Street Bikeway and Pedestrian Improvements Project to the low bidder, Granite Rock Company, for the base bid and the Add Alternate item, in the total amount of \$1,565,564, and approve a contingency in the amount of \$156,556, was approved. (11-0.)

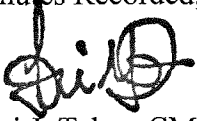
OPEN FORUM

Blair Beekman thanked Vice Mayor Rose Herrera for her leadership.

ADJOURNMENT

The Council of the City of San José was adjourned at 6:04 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

A handwritten signature in black ink, appearing to read 'Toni J. Taber', written over the printed name.

Toni J. Taber, CMC
City Clerk

smd/rmk11-29-16 MIN